

REMARKS

The following are the applicant's response to issues raised in the order as presented in the Office Action dated 08/10/2004. Two copies of an amended specification with corrections and additions imported are enclosed in addition to a marked up version of the previous specification.

Objection to the Disclosure under 35 CFR 1.163(a) and 35 U.S.C. 112

The disclosure was objected to because the specification presented a less than a full, clear, and complete botanical description of the instant plant. Accordingly, the specification has been amended, according to the examiner's suggestions, to more clearly and completely describe the plant. It is respectfully requested that the objections to the disclosure be withdrawn.

More specifically:

- A. Page 1, line 17, at the Examiner's request, "(U.S. patent no. PP12,720)" was amended to --(U.S Plant Patent No. 12,720)--.
- B. Page 3, line 23, at the Examiner's request, a single quotation mark has been placed after "Gate".
- C. Page 4, line 4, at the Examiners request, the typical stem length diameter have been set forth.
- D. Page 4, lines 10-12 and lines 20 and 21, the Examiner requested that that the applicant verify whether the leaves are compound or simply lobed. The Applicant believes that the leaves are most accurately described as "deeply dissected into two or three linear segments" and the specification has been amended to more accurately describe the leaves.
- E. Page 4, line 11, the Examiner requested clarification and/or clarification, the Applicant has amended this line to delete "occasionally entire".
- F. Page 4, line 24, as examiner's suggested, the Applicant intended to use --Capitulum-- in stead of "Campitulum" and an amendment was made.

- G. Page 4, lines 24 and 28 and page 6, line 4, amendments were made to correct the spelling of “disk” and Disk” to –disc— and –Disk— respectively. This amendments was also made on page 6, line 4 and 12.
- H. Page 4, lines 27 and 28 and page 6, line 4, as the Examiner suggested, “flowers” were replaced with --florets--.
- I. Page 5, line 1, the Examiner requested clarification, “length” was amended to –depth--.
- J. Page 5, lines 7-15, as the Examiner suggested, “Involucral bracts” was replaced with --Phyllaries— and “bract” was omitted on lines 8-15 to more closely adhere to the style used in other areas of the botanical description.
- K. Page 5, line 9, the applicant intended to use –length-- in place of “depth” and an amendment was made.
- L. Page 5, lines 11 and 12, the color stated describe both the lower and the upper surfaces of the phyllaries, an amendment was made to further clarify.
- M. Page 5, line 14 and 15, as per the examiner’s request, an amendment was made to more clearly describe the phyllaries, including margin and base descriptors.
- N. Page 5, line 31, as the Examiner suggested, “petal” was replaced with --ray floret--.
- O. Page 6, lines 4-10, as per the examiner’s request, an amendment was made to more clearly describe the disc florets, including the diameter of the entire disc.
- P. Page 6, line 12, an amendment was made to set forth the location of the Gynoecium and Androecium, which are both located only on the disc florets, the ray florets are assumed sterile as no reproductive organs were observed.
- Q. Page 6, line 16, a spelling correction was made, changing “Androcoecium to --Androecium--.
- R. Page 6, line 18, an amendment was made to change “diameter” to –length to more appropriately describe the dimensions of the achene. Applicant verifies that the fruit is properly described as an Achene.

Claim Rejection under 35 U.S.C. 112, 1st and 2nd Paragraphs

The claim was rejected under 35 USC 112 as not being supported by a clear and complete botanical description. Accordingly, the botanical description has been amended to more clearly describe the plant. It is respectfully requested that the 35 U.S.C. 112 rejection be withdrawn. The claimed plant is now believed to be in condition for allowance.

CONCLUSION

The examiner's attention to each of the parts of the patent application is greatly appreciated. The examiner is encouraged to contact the applicant's agent for any additional information that can be provided to move the application towards allowance.

Respectfully submitted,

Penny J. Aguirre

Registration No. 52,546
Agent for applicant

Biological Patent Services, LLC
14015 42nd Ave. N.
Plymouth, MN 55446
Phone: 763-553-9081 or 612-237-6623 (cell)
Fax: 763-553-9051
Email: pennyag@earthlink.net